

**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, June 7, 2018, 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> Floor**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**I. PUBLIC COMMENT PERIOD (*Procedures are attached*)**

**Please sign up on the Public Comment Sign In sheet near the door**

**II. APPROVAL OF CONSENT AGENDA**

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of April 5, 2018
- C. Consideration of Abstentions

**III. PUBLIC HEARINGS**

**1. General Use Rezoning Request: Highway Commercial (B-2) to Residential Agricultural-40 (RA-40) - Darya Cowick**

Leasa Haselden is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential Agricultural-40 (RA-40) of the northern portion, being approximately 5 acres, of three parcels, being approximately a total of 18.97 acres, located adjacent to US 1 Hwy, owned by Duncan C Blue Jr. Heirs, per Deed Book 2013E, Page 677.

**2. Conditional Use Permit Request: Bed & Breakfast (1351 Dowd Rd., Carthage) - Theresa Thompson**

Lynn Gallup is requesting a Conditional Use Permit for the use of a 4-unit Bed & Breakfast in a single family residence located at 1351 Dowd Rd, Carthage, owned by Lynn Gallup per Deed Book 4637, Page 290.

**3. Moore County Planning Staff is requesting the following amendments to the Moore County Unified Development Ordinance - Theresa Thompson**

Three options for amendments are outlined in the proposed text amendment: Option 1 – to add schools to accessory uses of churches and to require Conditional Use Permit for all churches with their accessory uses in all zoning districts; Option 2 – to add schools to accessory uses of churches and to require a Conditional Use Permit for all accessory uses of churches; Option 3 – to require a Conditional Use Permit for schools located on the same lot as a church.

**IV. OTHER**

- 1. Major Subdivisions discussions - Debra Ensminger

**V. PLANNING DEPARTMENT REPORTS - Debra Ensminger**

**VI. BOARD COMMENT PERIOD - Chairman Nobles**

## **VII. UPCOMING EVENTS**

- Tuesday, June 19, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, July 5, 2018 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, July 17, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

## **VIII ADJOURNMENT**

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

*Please see attached procedures for the Public Comment Period and public comment during Public Hearing*

**PUBLIC COMMENT PROCEDURES  
MOORE COUNTY PLANNING BOARD**

*The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

*Adopted on the 4<sup>th</sup> day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.*

## **MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES**

*The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:*

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

*Adopted on the 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*



**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, APRIL 5, 2018 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Eddie Nobles (Chairman), Joe Garrison (Vice Chair), Harry Huberth, David Lambert, John Cook, Jeffrey Gilbert, Bobby Hyman

**Board Members Absent:** Matthew Bradley, John Matthews

**Staff Present:** Debra Ensminger, Planning Director  
Tron Ross, County Attorney  
Theresa Thompson, Senior Planner  
Darya Cowick, Planner  
Stephanie Cormack, Administrative Assistant

**CALL TO ORDER**

Chairman Eddie Nobles called the meeting to order at 6:00 pm.

**INVOCATION**

Board Member Joe Garrison offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Jeffrey Gilbert led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Board Member David Lambert read the Moore County Mission Statement.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**APPROVAL OF THE CONSENT AGENDA**

- A. Approval of Meeting Agenda
- B. Approval of Minutes of February 1st, 2018
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda. The motion was seconded by Board Member John Cook and the motion passed unanimously (7-0).

## **PUBLIC HEARINGS**

### **Public Hearing #1 – General Use Rezoning (New Covenant Fellowship Church)**

Action: Recommendation to the Board of Commissioners

Consideration of: General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of an approximate 10.44 acres parcel.

Applicant: Lee McKinney, Pastor of New Covenant Fellowship Church of Carthage, NC  
Owner of Property: New Covenant Fellowship of Carthage, NC per Deed Book 3787, Page 591.

Location: 1305 Hulsey Rd. further described as New Covenant Fellowship Church

Board Chair Eddie Nobles recognized Senior Planner, Theresa Thompson. Mrs. Thompson provided a brief history of the property and reviewed the submitted case file.

Board Chair Eddie Nobles opened the public hearing and recognized the applicant, Pastor Lee McKinney who explained the intention is to charter a non-public education school as a local private Christian school on the churches campus. Board Member Harry Huberth asked as to why the zoning request was not for a Conditional Rezoning request. Mr. McKinney explained to the Board a Conditional Rezoning would require a full business plan which the church does not have and would not be a feasible option at this time.

After all questions were answered and all comments made Board Chair Eddie Nobles closed the public hearing and opened the floor for a motion to be made. Board Member John Cook made a motion to adopt the attached Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan. The motion was seconded by Board Member Joe Garrison; the motion passed unanimously 7-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of approximate 10.44 acres parcel, located at 1305 Hulsey Rd. Carthage, NC. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

### **Public Hearing #2 – General Use Rezoning Request (Pee Wee Self Storage)**

Action: Recommendation to the Board of Commissioners

Consideration of: General Use Rezoning from Residential and Agricultural-40 (RA-40) to Highway Commercial (B-2) of the northwestern portion, being approximately 5.29 acres, of an approximate 9.55 acre parcel, to result in the entire property to be zoned Highway Commercial (B-2).

Applicant: Sid Barnett, Manager of Pee Wee Self Storage

Owner of Property: Lorraine Duame Trudeau Trustee, per Deed Book 4614 Page 482

Location: 5420 US Hwy 1, Vass, further described as Pee Wee Self Storage

Board Chair Eddie Nobles recognized Senior Planner, Theresa Thompson. Mrs. Thompson provided a brief history of the property and reviewed the submitted case file.

Board Chair Eddie Nobles opened the public hearing and recognized the applicant, Sid Barnett. Mr. Barnett explained the current property is used for commercial uses and is maxed out, currently they have no plans to add more buildings on the property. The back portion of the property is land locked and can only be accessed through the current property. All mobile homes have been removed from the back portion of the property and trees have been removed. Materials have been purchased to extend the privacy fence to the back portion of the property and future landscaping will be planted to enhance the properties look. Board Member Huberth asked if the fence was going to be built on the southwest side of the property. Mr. Barnett confirmed the fence will be added all the way back.

With no further discussion Board Chair Nobles closed the public hearing and opened the floor for a motion to be made. Board Member Joe Garrison made a motion to adopt the attached Land Use Plan Consistency. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0.

Board Member David Lambert made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-40 (RA-40) to Highway Commercial (B-2) of the northwestern portion, being approximately 5.29 acres, of an approximate 9.55 acre parcel, located at 5420 US Hwy 1, Vass to result in the entire property to be zoned Highway Commercial (B-2). The motion was seconded by Board Member Joe Garrison; the motion passed unanimously 7-0.

### **Public Hearing #3 – Conditional Rezoning Request (Plumbing Knights)**

Action: Recommendation to the Board of Commissioners

Consideration of: Conditional Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial Conditional Zoning (B-2-CZ) for commercial, office, and recreational uses of an approximate 13.24 acre parcel.

Applicant: Rodney Swarms, Owner of the Plumbing Knights

Owner of Property: Baptist Children's Homes of NC, Inc. per Deed Book 2005E, Page 123

Location: 8003 NC 211, West End, NC

Board Chair Eddie Nobles recognized Senior Planner, Theresa Thompson. Mrs. Thompson provided a brief history of the property and reviewed the submitted case file. Mrs. Thompson stated the applicant has agreed to the following additional conditions:

- There shall be a 100 feet setback from the highway for all buildings.
- There shall be a 75 feet buffer of undisturbed vegetation along the highway.
- There shall be no stadium lighting in the recreational area.
- All proposed buildings shall be on story.

Board Member Huberth inquired who would supply the water to this property and if NCDOT would be designing the turn lanes. Mrs. Thompson indicated the county would be supplying the water and the flow test has been conducted. NCDOT has reviewed this project and the applicant has relocated the driveway per the recommendations of NCDOT.

Board Member Jeffrey Gilbert asked several procedural questions. Mrs. Thompson explained that conditional rezoning requests are approved on a case-by-case basis and the decision is discretionary and does not change any other zoning districts in the area. Mrs. Thompson explained that if there are concerns with the submitted list of uses, then anyone from the public or the board can address their concerns. The board or applicant can request that the list be modified though it would have to mutually agreed upon. Any additional condition that is requested should be reasonable, meet the intent or standard of the Unified Development Ordinance, or should be due to a direct reason that could affect the surround area.

Board Chair Eddie Nobles opened the public hearing and recognized the applicant, Rodney Swarms. Mr. Swarms presented an updated list of uses (see Exhibit A). Mr. Swarms presented a powerpoint presentation regarding his plans for the property. Mr. Swarms stated he would like to establish a location for kids to play/practice baseball. At the current location the facility provides services for kids to enhance their baseball skills however they have outgrown their current area and need to relocate to continue these activities. Mr. Swarms has reached out to adjacent neighbors whom are in favor of this plan and have taken in consideration of Pinewild is the reasoning they have redacted and updated the uses for the property as listed on Exhibit A.

Board Chair recognized Jeremy Sparrow, a Land Planner with Koontz Design and representative of the applicant. Mr. Sparrow reviewed site plan details, discussed physical features of the property, as well as displayed pictures via powerpoint of the nearby businesses and properties along the highway corridor. Mr. Sparrow mentioned the site plan submitted is what will be on the property and if any major deviations are made then the applicant would need to go through the public process for approval. Mr. Sparrow reviewed the existing zoning districts in the area, mentioning that several of the uses permitted in the Office Professional Zoning District located across the highway are similar to what is permitted in the B-2 Zoning District.

Board Member David Lambert questioned if many of these uses are already allowed on that street and stated “you are just restricting yourselves.” Mr. Sparrow replied that they looked at the allowed uses in the Highway Commercial B-2 Zoning District and eliminated those they felt would benefit the community, neighborhood, and site in general.

Board Members Jeffrey Gilbert and David Lambert discussed the comparability of the request to the surrounding zoning districts. Mr. Gilbert stated that if the proposal is comparable with what is permitted across the street then that would lead you to one conclusion compared to if it is not. Board Member Joe Garrison replied that it might help

but that it does not dictate the decision. Board Chair Eddie Nobles stated that each property stands on its own merit. David Lambert stated if the applicant is agreeing to restrict themselves despite the fact the neighboring properties could experience some of the listed use then it is fine. Planning Director Debra Ensminger reiterated that as a land use decision we consider the surrounding areas as delineated in the Land Use Plan and staff has reached out to Pinehurst and Taylortown to ensure that is compatible as spoken to in the staff report and that the Pinehurst Planner stated that the proposal is compatible.

Mr. Sparrow detailed the site features, reviewed NCDOT requirements, and spoke to the proposal meeting Land Use Plan goals in regards to infill development and encouraging nonresidential development along major corridors.

Board Chair recognized Jane Hogeman, a representative from Pinewild subdivision. Ms. Hogeman introduced herself as a resident that lives in the Pinewild Subdivision (18 Lochdon Ct. Pinehurst, NC) and has requested to see a copy of the permitted uses as presented to the board with additional redactions. Mrs. Thompson provided Ms. Hogeman a copy of the updated permitted uses as presented to the Planning Board. Ms. Hogeman stated she is concerned about the scope of uses for the site for high impact recreation, and the relocation of the Plumbing Knights business. Ms. Hogeman presented to the Board a letter she has written regarding her reasoning against the applicants request presented as "Exhibit B".

Board Chair then recognized Robert Bramwell, a representative from Pinewild subdivision. Mr. Bramwell introduced himself as a resident from Pinewild subdivision (6 Laggen Ct. Pinehurst, NC) and presented the board with a letter he has written against the applicants requests presented as "Exhibit C".

With no further discussion Board Chair Nobles closed the Public Hearing for board discussion. Minor discussion was held between the Board pointing out the changes to the site plan as presented at the public meetings include new setbacks and a change to the location of the driveway. Also reiterated the conditions submitted are what can be allowed on the property. Board discussion was also held regarding the configuration of the land and how it will affect storm water runoff. The Board also noted the applicant has gone above and beyond placing additional restrictions to the property.

With no further discussion Board Member Joe Garrison made a motion to adopt the attached Land Use Plan Consistency Statement as specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners the Conditional Rezoning request, including the additional conditions agreed by the applicant, from Residential and Agricultural-5 (RA-5) to highway Commercial Conditional District (B-2 CZ) for commercial, office, and recreational uses on a approximate 13.24 acre parcel, located at 8003 NC 211, West End

NC. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0.

**Public Hearing #4**-Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

- Amend Chapter 5 Dimensional Standards
- Amend Chapter 6 Table of Uses
- Amend Chapter 7 General Development Standards
- Amend Chapter 8 Specific Use Standards
- Amend Chapter 9 Nonconforming Situations
- Amend Chapter 11 Conditional Rezoning
- Amend Chapter 18 Subdivisions
- Amend Chapter 19 Definitions

Planner Darya Cowick presented to the board the requested changes staff has recommended. These recommendations are due to corrections/tipos staff has noticed and clarifications for easier interpretations.

- Chapter 5 new language was added referring to setbacks, tipos, updated language for easier interpretations
- Chapter 6 updated language per state statutes, updated language for easier interpretations
- Chapter 7 added language regarding off-premise signs to accommodate Seven Lakes Business Community, updated language for easier interpretations
- Chapter 8 updated language for easier interpretation, added language regarding Home Occupation, updated language regarding Manufactured Homes, typo corrections, add language regarding Drop-In Child Care Facilities
- Chapter 9 updated language for easier interpretations and clarification
- Chapter 11 updated language for easier interpretations
- Chapter 18 updated language for easier interpretations, added Cluster Mailboxes, correction of tipos
- Chapter 19 updated language for easier interpretations

Mrs. Cowick explained the above was consistent with the goals of the Land Use Plan and recommends the Moore County Planning Board make two separate motions: Motion 1; to adopt the Moore County Planning Board Land Use Plan Consistency Statements and authorize its Chairman to execute the document as required by North Carolina Statute 153A-341. Motion 2; to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

With no further discussion Joe Garrison made a motion to adopt the Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The

motion was seconded by Board Member Jeffrey Gilbert; the motion passed unanimously 7-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioner of the proposed text amendment to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

### **OTHER BOARD MATTERS**

No other board matters were discussed.

### **PLANNING DEPARTMENT REPORTS**

Ms. Ensminger provided the board with the upcoming BOC and Planning Board meeting dates as well as reminded the Board of the upcoming Legislative training session on April 12<sup>th</sup>. Ms. Ensminger also informed the Board there will be an upcoming amendment to the Flood Plain section to the UDO in the near future.

### **BOARD COMMENT PERIOD**

Board Member Harry Huberth commented about the future drive cuts located on Hwy 211 and the current speed limit and can relate to the public's concerns as well. Board agreed this was a great point and DOT should be thinking about this for future growth.

### **ADJOURNMENT**

Board Member Joe Garrison made a motion to adjourn the April 5<sup>th</sup>, 2018 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

## Permitted Uses

- Accessory Uses
- ~~Accessory, Swimming Pool~~
- Agricultural Uses and Buildings
- Accessory Dwelling Located within Non-Residential Building
- Amateur Radio & Receive-only Antennas
- ~~Auction House~~
- Automatic Teller Machine (ATM)
- ~~Bars / Tavern~~
- Beauty / Barber Shop / Nail Salon
- Brewery / Winery
- ~~Car Wash or Auto Detailing~~
- Child Care Facility
- Civic / Social Club, Lodge & Organization
- Colleges, Business & Trade Schools
- Collocation on Existing Wireless Communication Facility
- ~~Commercial Truck Wash~~
- Construction Office, Temporary
- ~~Contractors Storage Yard & Office~~
- ~~Convenience Store~~
- ~~Dance Club, Night Club, Billiard~~
- Dry Cleaning and ~~Laundromat~~
- ~~Feed and Seed Sales~~
- ~~Flea Market~~
- Florist
- ~~Funeral Home, accessory crematorium~~
- Garden Center
- ~~Golf Courses, including Par 3~~
- ~~Golf Driving Range~~
- Government Facility
- ~~Group Care Facility~~
- Hospital
- Hotel and Motel
- ~~Itinerant Merchant~~
- Land Clearing
- Manufactured or Modular Home Sales
- Massage & Bodywork Therapy, Practice, Unlicensed
- Mini-Warehouse (Self-Service)
- Museums and Art Galleries
- Neighborhood Park
- ~~Nursing Home~~
- Office
- Parking Lot as principle use of lot
- ~~Pawn Shop~~
- Pet Day Care, Grooming, Obedience Training
- Public & Private Utility Facilities
- Real Estate Offices, Temporary
- Recreation, Indoor
- Recreation, Low Impact Outdoor
- Recreation, High Impact Outdoor
- Religious Institutions
- Restaurant
- Retail
- ~~Schools - Elementary, Middle, High~~
- ~~Shooting Range, Indoor~~
- ~~Shooting Range, Outdoor~~
- Small Appliance Repair Shop
- ~~Solar Collectors, On-Site Use Only~~
- ~~Taxi Service~~
- ~~Tattoo Parlor, Body Piercing~~
- Temporary Events (Special Event)
- Trade Contractor Office & Workshop
- ~~Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service~~
- ~~Vehicle Service Stations (Gas Stations)~~
- Veterinary Clinic
- Wholesales
- ~~Yard Sales, Residential & Civic~~
- ~~Zoo, Petting Zoo~~

## Conditional Uses

- Kennels, Overnight
- Warehousing and/or Distribution Center

## Conditional Zoning Uses

- Assembly Hall
- ~~Boat & RV Storage~~
- ~~Crematorium Facility~~
- ~~Shopping Center~~
- ~~Vehicle Wrecker Service~~
- Wireless Communication Facility



**Jane Hogeman  
18 Lochdon Court  
Pinehurst, N.C. 29374**

Moore County Planning Board  
1 Courthouse Square  
Carthage, N.C. 28327  
**Hand Delivered**

April 5, 2018

Re: Conditional Rezoning Application  
Rodney Swarms  
8003 NC Hwy 211, West End, NC

Dear Board Members:

I have been a resident of Pinewild since 2015. The Plumbing Knight is my plumber. They are a terrific plumber, and the people who work there are a pleasure to do business with. But I am very concerned about the requested conditional rezoning.

Highway 211, from West End to the traffic circle, is the western gateway to Southern Moore County. Visitors coming from Charlotte, Greensboro, or Seven Lakes approach along 211 to get to the resorts, to First Health, and to the restaurants and shopping in Southern Pines and Aberdeen.

Visitors who enter from Route 2, Midland Road, drive down a show-stopping tree-lined avenue. Rte. 15-501 north from the Pinehurst line to the traffic circle is a parkway of flowering trees. 211 should have the same beautiful, welcoming presence, because tourism, and regional dining and shopping services, together with health care, are the life's blood of Southern Moore County's economy. To attract those visitors we have to look good - we have to set the stage.

Right now, at the western end of the 211 Gateway corridor is the Baptist Church, a handsome property with beautifully maintained grounds. Pinewild is an established and well maintained neighborhood of some 900 homes, each on about an acre of land. At the Rte. 5 Beulah Hill crossroad are Olmsted Village shops and the new brick constructed Harris Teeter, set well back from the road. Farther along is the Catholic Church, a beautiful church and grounds. Then the Hospital, which is a first-class campus. It is surrounded by small-scale medical offices set on leafy streets. And the traffic circle is beautifully landscaped.

Except for the Rte. 5 crossroad, most of this corridor is residential, with Pinehurst Village municipal uses and parks, churches and the Hospital. It looks good. We should keep it that way.

Stability is one of the major purposes of zoning, because it supports quality of life and property values. Anyone who is thinking of investing in a new home or business venture is looking for stability and predictability with respect to land use. Nobody wants to invest their future into what appears to be a peaceful residential area, only to be surprised by nearby re-zoning that suddenly permits a change to heavy commercial operations such as contractors' yards and truck storage. If people believe that Moore County allows extreme re-zoning at odds with existing neighborhoods, it will discourage investment.

### **Concerns with the Application:**

#### **1. Proposed New Uses.**

This application proposes to rezone a 13 acre parcel stretched along Hwy. 211, immediately across from Pinewild's Abingdon Gate, from Residential-5 Acre/Agricultural to the most intense commercial zone the County has. The proposal is to build four commercial buildings containing 50,000 square feet, and to have an acre+ outdoor athletic field. The Plumbing Knight would move their contractor's yard to one of the buildings. This is not a retail use - "no-one comes to the Plumbing Knight to buy parts" - is what we were told at the Community Meeting. It is not a use meant to be attractive to customers. It is a behind-the-scenes use, a staging area for contractors' operations, with trucks pulling in and out. And there is no traffic light to assist trucks entering the 55 mph highway at the subject property.

In addition, there would be a youth sports training facility. It is indoors at its present location but would be outdoors on the 211 property. Parents drop off their children after school and pick them up. We do not know the numbers of participants, the hours of operation, or whether there would be other activities such as regional meets.

The other two proposed buildings, containing over 20,000 square feet (the size of ten 2,000 square foot homes) have no determined uses or tenants. The application papers present this as an "opportunity" for unknown entrepreneurs. But the available uses are heavy, high-impact types: commercial truck wash; contractor's storage yard; vehicle, auto parts, tires, farm equipment, boat and RV sales and service; hotel and motel; parking lot as a principal use; high impact outdoor recreation; warehousing; vehicle wrecker service - and on and on. None of them are compatible with an established residential neighborhood. And they don't support an appealing gateway to Southern Moore County.

#### **2. Site Plan.**

There are a lot of unknowns as to the site design as well. The property has steep slopes. There is no finished grading plan to show whether the site would be hollowed out or filled in order to construct the buildings and detention basin, or whether it would be possible to save any of the existing trees. What impact will the earth disturbance, and the commercial uses, have on the pond and wetlands on the east side of the property?

No new survey has been submitted. The deed description at Book 467, Page 714 of the County Land Records dates back to the 1952 relocation of Hwy. 211; subtracting the area of three parcels sold off

in the 1970's and 1980 leaves 13.24 acres "more or less". However, the Tax Assessor's records say the property is 12.07 acres "as calculated".

There are no building designs, no description of exterior building materials, no floor plans, no planting plan, no lighting plan. The open athletic field appears to be set back less than the 100 feet from the residential properties to the north provided under Sections 8.85 B and 8.86B of the Development Ordinance.

### **3. The Proposed Uses Are Not Compatible With Existing Nearby Uses.**

It is suggested that this section of Highway 211 is already a "commercial corridor": the Staff Report says the subject property is being used by a landscape business; a strip of land along the south side of 211 is zoned commercial; and there are a few other small commercial uses between Rte. 5 and the Baptist Church.

But the term "commercial" is a very broad umbrella. It covers everything from farm stands, to the pretty little shops in Pinehurst Center or on Broad Street in Southern Pines, to medical offices, to the big-box stores with enormous cement parking lots on southern 15-501, to contractor's yards, auto sales, warehouses and industrial uses. There are apples and there are oranges.

The subject property and its neighbors are all zoned RA-5. The Planning Office could not find a permit for commercial use at the application property when I inquired. The strip on the southern side of 211 is designated in Pinehurst's low impact Office - Professional zone, where not even general retail is allowed. The small uses, many in place before Highway 211 was widened in 2013, are all low impact.

### **4. Extreme Zoning Changes Need Comprehensive Planning Review.**

It is the County's responsibility to develop a comprehensive land use plan to guide development in an orderly way that "protects and preserves" the ambiance, economy and ecology of our lands. The last time this was done was in 2013, when a twenty-member committee, supported by seven professional planners, was formed to gather information from the State and from regional institutions, and to study demographics, statistics and trends. They worked for months. The committee collaborated with area municipalities in order to design a cohesive overall plan of development. That plan places the subject property in the RA-5 zone.

The conditional rezoning process is meant to allow some flexibility with land use. But by its nature it is random, piecemeal and haphazard, driven by the interests of individual applicants from time to time. It is a land use tool best suited to a "tweak". A change from RA-5 to B-2 uses is too much of a swing of the pendulum to happen without the context of a comprehensive re-working of the County's Land Use Plan. This is especially true on the 211 gateway corridor that traverses and serves several municipalities as well as the County.

And this particular proposal is far too open-ended to provide the "degree of certainty" that is

meant to be the justification of conditional rezones, as expressed in Section 3.13 of the County's Development Ordinance.

## **5. The Application Does Not Meet the Goals of the County Land Use Plan.**

A. Exposed heavy commercial uses would not be in keeping with the western gateway to Southern Moore County. They are not compatible with the area's renowned aesthetic charm, and the welcoming setting that for a hundred years has attracted visitors from around the world, as well as the region, to support our resorts and businesses. Residents who have invested in homes here do not want these uses moved to their doorsteps.

*Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).*

*Recommendation 1.5: Encourage and support land use principals by ensuring Moore County's cultural, economical and natural resources are considered appropriately.*

*Recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.*

*Action 1.8.2: Encourage major developments to locate in existing municipalities wishing to host it.*

*Action 1.8.4: Select appropriate locations for industrial development and zone them as such ...*

B. The impact of the proposed uses and construction on the pond and wetlands on the property has not been evaluated. Clear cutting the property for heavy commercial use would alter the aesthetic character of the 211 gateway corridor.

*Action 2.3.1: Preserve natural resources, sensitive environmental areas, and scenic features of the landscape that have recreational, environmental, or aesthetic value.*

*Action 3.2.9: Buffer riparian areas, floodplains and wetlands from development...*

C. A busy commercial truck operation with multiple uses is not appropriate on a 55 mph highway with no traffic light.

*Action 3.5.1: Continue to coordinate and monitor driveway issues, especially along strategic highway corridors.*

*Action 3.6.1: Minimize commercial strip development characterized by numerous driveway access points and disconnected uses.*

D. The conditional rezoning process is not appropriate for such an extreme change, from 5-acre residential to heavy-impact commercial, because it does not provide for a comprehensive overview of development goals, and it does not provide for coordination among local jurisdictions. This is especially important where extreme change is proposed for a site on Highway 211, which traverses and serves many municipalities as well as the County.

***Recommendation 3.9:*** Establish a procedure for managing land use information to ensure coordinated planning and growth.

***Action 3.9.1:*** Monitor planning activities of local municipalities and adjacent counties to ensure that planning and growth is coordinated between jurisdictions.

***Action 3.9.2:*** Establish a countywide commission to study the impact of growth and to develop a mutually agreeable growth scenario for the County that ensures that all local governments are working toward a coordinated growth pattern that enhances the living environment for all County citizens.

For these reasons, I ask that the Planning Board exercise its legislative authority to deny this application.

Respectfully,

  
Jane Hogeman





Property Records

Owner Address Parcel ID Advanced Search Map Search

► Summary

PARID: 00026090  
TOWNSHIP:  
BAPTIST CHILDREN'S HOMES

CITYNAME: THOMASVILLE

8003 NC 211 HWY  
NBHD: 628G  
ROLL: REAL

23 of 23

Return to Search Results

Full Legal

Sales

Permits

Land

Dwellings

Additions

Sketch

OBY

Comm Bldg Summary

Value/Asmt

Attached PP Assets

Public

Map

Parcel

ParID / PIN: 00026090 / 855317211512  
Record Type: REAL  
Tax Year: 2018  
Tax Jurisdiction: D :  
Township: 06 : MINERAL SPRINGS

Printable Summary

Printable Version

Owner

Account Number: 3397000  
Name: BAPTIST CHILDREN'S HOMES  
OF NC, INC  
Mailing Address: PO BOX 338  
THOMASVILLE NC 27361 0338

Legal

Physical Address: 8003 NC 211 HWY  
Legal Description 1: CROCKER LAND  
Zoning: RA-5  
Plat Cabinet:  
Slide:

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
30-DEC-05	2005E	123	0	
23-AUG-94	1026	365	0	
03-JAN-94	970	200	0	
10-NOV-80	467	714	0	

Description

NBHD Code / Name: 628G :  
Class: FI : FARM IMPROVED  
Land Use: R01 : RES 1 FAMILY  
Living Units: 1  
Topography: 4 : ROLLING  
Location: :  
Parking: :  
Traffic: :  
Utilities: 5 : WELL  
6 : SEPTIC  
Restrictions: :  
Deeded Acres: 13.24  
Calculated Acres: 12.07  
VC Notice / VC Date: R : 09-MAR-15

Valuation

Appraised Land: 80,430  
Appraised Building: 89,170  
Appraised Total: 169,600  
Deferred: 0  
Exempts/Excluded: 0  
Assessed Real: 169,600  
Personal:  
Total Assessed: 169,600

Tax 444

the receipt of which is hereby acknowledged has                      bargained and sold, and by these presents do                      grant, bargain, sell and convey to said Parties of Second Part as tenants by the entirety with full rights of survivorship,                      their heirs and assigns, a certain tract or parcel of land in Mineral Springs Township Moore County, State of North Carolina, adjoining the lands of                     

and others, and bounded as follows, viz:

A certain tract or parcel of land situated in Mineral Springs Township, Moore County, North Carolina, fronting on the North side of N. C. No. 211 about one mile west of Pinehurst, N. C., described as follows: BEGINNING at a concrete monument on the north side of the Aberdeen-Asheboro State Highway the southeast corner of the D. P. MacKenzie 100 acre tract; running thence as its easterly line, North 04-16 East 361.4 feet to a concrete monument, Crocker and Barrett's corner in the said MacKenzie line; thence as the said Barrett's line South 73-38 East 1952.4 feet to a concrete monument in the swamp of Joe's Fork Creek, Crocker's and Barrett's corner in the R. L. Taylor line; thence as said Taylor's line South 0-13 East 809.0 feet to a point in the center of said Highway (as relocated in the summer of 1952); thence along a curve having a radius of 2864.9 feet, the chord of which curve bears North 59-12 West 904.6 feet to the point of said curve; thence as the center line of said road (as relocated) along its tangent, North 68-17 West 797.7 feet to the point of tangency of another curve; thence as the center line of said curve, the radius of which is 5729.6 feet, and the chord of which bears North 65-52 West 421.6 feet to a point in said center line, in said curve; thence as a new line, North 04-16 East 85.4 feet to the beginning. Containing 25.25 acres, more or less. And being that parcel of land conveyed by deed dated August 30, 1952, from Charles T. Crocker and wife to Walter Carson Morgan, recorded in Deed Book 173 at Page 294 of the Moore County Registry, Carthage, N. C., and thereafter conveyed by Walter Carson Morgan to Walter Carson Morgan and wife, Altha Lee Morgan, by deed dated May 29, 1959, recorded in Deed Book 230 at Page 179 of the Moore County Registry (Walter Carson Morgan having thereafter died a resident of Moore County, North Carolina).

EXCEPTING, HOWEVER, from the above described tract or parcel of land all of those certain tracts or parcels of land which have been heretofore conveyed, the description of such tracts or parcels of land being set out in such deeds and incorporated herein by reference hereto:

PARCEL NO. 1: 5.3 acre tract, more or less, from Altha M. Morgan, widow, to Harry W. Graham and wife, Jennie Morgan Graham, by deed dated April 20, 1971, and recorded in Deed Book 336 at Page 565, Moore County Registry.

PARCEL NO. 2: 1.71 acre tract, more or less, from A. T. Robertson, Jr. and wife, Altha M. Morgan Robertson, to Merry Ann Morgan Caddell, single, by deed dated August 23, 1976, recorded in Deed Book 411 at Page 343, Moore County Registry.

PARCEL NO. 3: 5.0 acre tract, more or less, from Altha M. Morgan Robertson and her husband, A. T. Robertson, Jr., to Walter C. Morgan, Jr., by deed dated July 16, 1980, recorded in Deed Book 463 at Page 303, Moore County Registry.

This deed is executed by Altha M. Morgan Robertson and the legal title conveyed pursuant to the General Statutes of North Carolina, Chapter 39-13.3, in order to establish title to said properties hereinbefore described in Altha M. Morgan Robertson and her husband, Arthur T. Robertson, Jr., as tenants by the entirety.

This Instrument Duly  
 HOWARD C. BRUGGENTON  
 Attorney at Law  
 Southern Pines, N. C.

using English reading

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- Page 1
- Page 2
- Specific Pages

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## Document Summary

Instrument Number: 46  
 Party Name:  
 Assoc. Name:  
 Legal Description:

forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said Party of the First Part

has hereunto set her hand and seal, the day and year first above written.

Altha M. Morgan Robertson (SEAL)  
Altha M. Morgan Robertson (SEAL)

ATTEST:

(SEAL)

(SEAL)

STATE OF NORTH CAROLINA Moore County.

I, Marie C. Monroe, Notary Public, do hereby certify that Altha M. Morgan Robertson and her wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance.

Witness my hand and notarial seal, this 7th day of November, A. D. 1980  
My commission expires May 29, 1981 Marie C. Monroe, N. P. (Seal)

STATE OF NORTH CAROLINA Moore County.

I, Marie C. Monroe, Notary Public, do hereby certify that his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance.

Witness my hand and notarial seal, this        day of       , A. D. 19        
My commission expires       , N. P. (Seal)

STATE OF NORTH CAROLINA Moore COUNTY.

The foregoing certificate(s) of Marie C. Monroe  
Notary Public of Moore County, North Carolina  
is/are certified to be correct. This instrument was presented for registration this 10th day  
of November, 1980, at        A. M., P. M., and duly recorded in the office of  
the Register of Deeds of Moore County, North Carolina, in Book         
Page       

This 10th day of November, A. D. 1980  
Grier Gilmore By         
Register of Deeds Assistant - Deputy Register of Deeds

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Page 2

Specific Pages

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Document Summary

Instrument Number: 467

Party Name:

Assoc. Name:

Legal Description:

1 of 2

2 of 2



Robert B. Bramwell  
P. O. Box 4150  
Pinehurst, N.C. 28374  
<rbramwell@nc.rr.com>

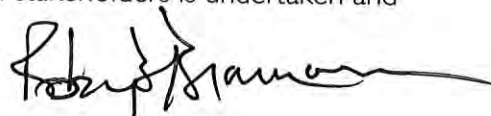
"Exhibit C"

Mr. Eddie Nobles, Chair, and members of the Moore County Planning Board,  
In Public Hearing at the Historic County Courthouse on April 5 2018

Re: Agenda Item 3, Conditional Rezoning Request of 8003 Hwy 211, West End,  
NC

If I was able to speak tonight at the meeting of the Planning Board, this will serve  
to summarize those remarks concerning the Application.

1. My name is Robert Bramwell. My address is 6 Laggan Court, Pinehurst NC 28374.
2. I am here to express my opinion that the application asks for a change in zoning that should be disapproved on the grounds that the requested uses are in too many cases inappropriate to the surrounding uses, which are residential. Many of them are particularly inappropriate to highway 211 frontage at a point where drivers are leaving 5 miles of rural surroundings and arriving at historic Pinehurst.
3. I admit to being offended by the tactics presented in the application regarding eliminated uses. Conditional Zoning is intended to define in advance a specific use or family of uses for a parcel of land. Schedule B-2 must include the most diverse catalog of potential uses published by Moore County. It includes Golf Driving Range and Itinerant Merchant. The Applicant eliminates 12 permitted uses of the 67 listed – some obvious, like *Golf Courses, including Par 3*, and a few others such as *Tattoo Parlor, Body Piercing* as a joke for the benefit of the reader. Applicant claims to have only two known uses for the parcel yet reserves 53 additional uses for which he provides up to 21,400 square feet under roof with 4 entrances, suggesting subdivision of internal space. Is there really more information about possible uses that Applicant could provide?
4. Another reason I oppose approval of this application is Nick's Creek, whose waters take in outflows from the subject property. Applicant shows less than one half acre dedicated to stormwater management and over two acres of asphalt parking surface. The consequences of uses allowed must be considered.
5. My final point is "precedent". I surveyed all the buildings between the Westgate commercial development and the entrance to West End, which is the municipal unit to which this parcel is associated. This is the 5 miles of route 211 I referred to in my opening comment. The existing structures are both clearly residential and clearly commercial, but with one lone exception, every single commercial structure sits on what looks like its own parcel and houses a single tenant. That is the precedent I urge the Board to take as a serious reason to withhold the application until a comprehensive plan for commercial growth along the NC 211 corridor involving all stakeholders is undertaken and completed. Resist Spot Zoning.



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** May 9, 2018

**SUBJECT:** General Use Rezoning Request: Highway Commercial (B-2) to  
Residential Agricultural-40 (RA-40)

**PRESENTER:** Darya Cowick

**REQUEST**

Leasa Haselden is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential Agricultural-40 (RA-40) of the northern portion, being approximately 5 acres, of three parcels, being approximately a total of 18.97 acres, located adjacent to US 1 Hwy, owned by Duncan C Blue Jr Heirs, per Deed Book 2013E, Page 677.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The subject portion of the property was originally zoned Highway Commercial (B-2) in 1991. The existing use on the subject property is a single family residential home built in 1960. Adjacent land uses include single family dwellings, a church, and an abandoned produce stand.

**ZONING DISTRICT COMPATIBILITY**

The requested zoning to Residential Agricultural-40 (RA-40) is consistent with the existing uses in the area, being single family dwelling units. The surrounding area is zoned a mixture of Residential and Agricultural-40 (RA-40), Rural Equestrian (RE), Neighborhood Business (B-1), and Highway Commercial (B-2).

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The site has a mixture of Rural Agricultural and Low Density Residential Land Use Classification. The requested zoning to Rural Agricultural-40 is compatible with the Rural Agricultural and Low Density Residential Land Use Classifications. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. The primary use of the Low Density Residential Land Use Classification allows for a density of one residential lot for every five acres of land, single family detached. The Moore County Unified Development Ordinance states the Residential and Agricultural-40 zoning district is created to allow for single family dwellings, duplexes and agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Recommendation 1.6: Preserve and maintain the rural character of Moore County, including historic sites and structures, crossroad communities, and other physical features that reflect the County's heritage.

### **MOORE COUNTY FUTURE LAND USE MAP**



## MUNICIPAL COMPARISON LAND USE MAP



## RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements (Approval or Denial) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval or denial to the Moore County Board of Commissioners the General Use Rezoning request from Highway Commercial (B-2) of the northern portion, being approximately 5 acres, of three parcels, being approximately a total of 18.97 acres, located along US 1 Hwy, to result in the entire three parcels being zoned Residential Agrulcultural-40 (RA-40).

## ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map, Land Use Map, and Rezoning Map
- Submitted Rezoning Application
- Planning Board Consistency Statement – Approval/Denial
- Regional Land Use Advisory Committee Letter
- Deed Book 2013E, Page 677



**View of subject property from Branch Trail**



**View of subject property's driveway from US 1 Hwy**





**Adjacent property – 123 Causey Road (A New Beginning Assembly of God)**



**Adjacent property – 220 Spring Brook Court**





**Adjacent property – 4507 US 1 Hwy (Abandoned Food stand)**



**View across US 1 Hwy**

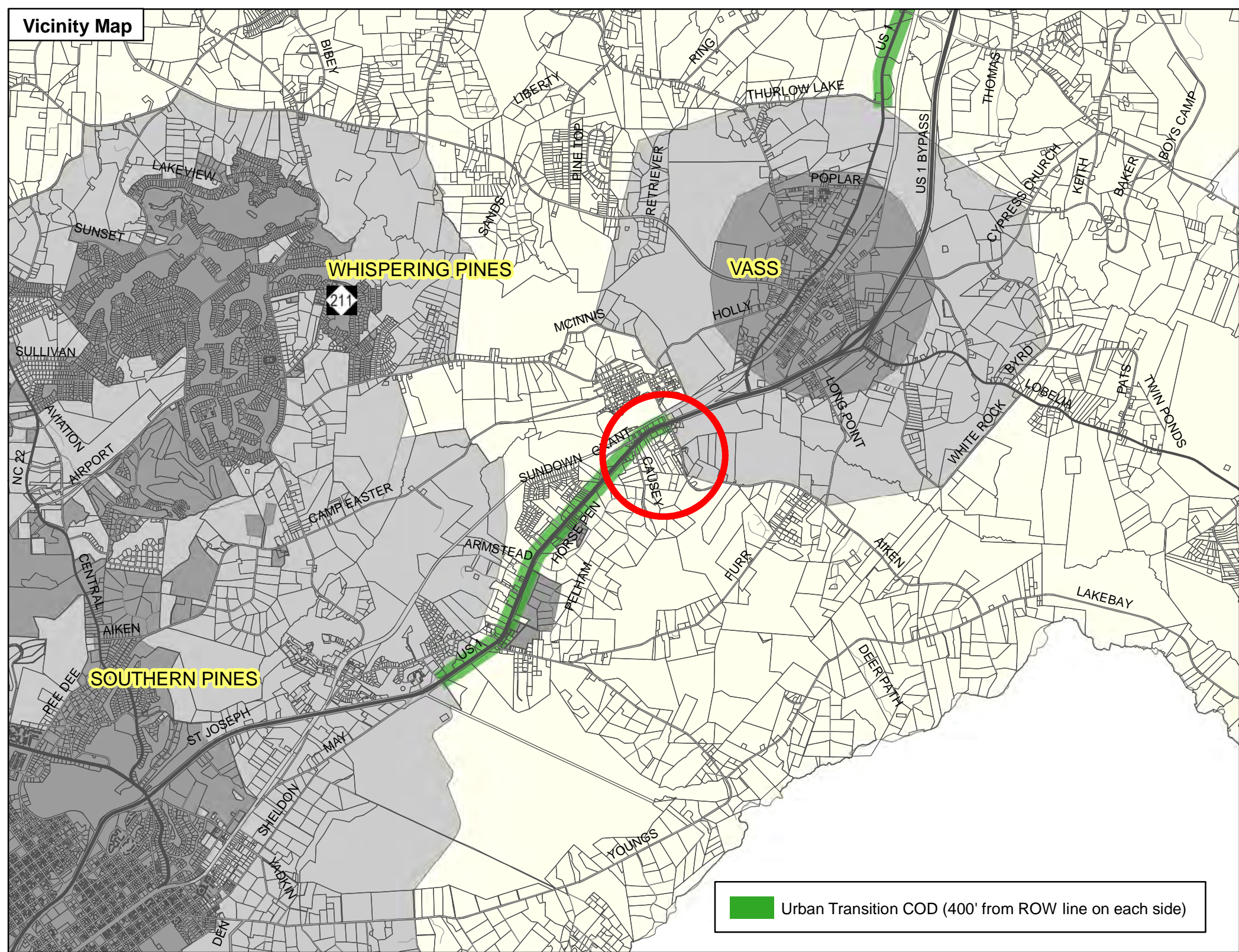


**View across US 1 Hwy – 144 Grant Rd Ext**





Vicinity Map



Urban Transition COD (400' from ROW line on each side)



Land Use Map





# Rezoning Map

RA-40

ETJ of VASS  
zoned  
Heavy Commercial

ETJ of VASS  
zoned  
Rural Agricultural

GRANT ROAD

B-1 B-2

B-2

BRANCH

Shaded area  
requested to be rezoned  
from B-2 to RA-40

AIKEN

SPRING BROOK

GRANT

US 1

CAUSEY






















ELLA

RA-40

RE

RA-40

## Legend

	B-1		PUD/CUD		RA-40
	B-1-CUD		PUD-H		R-MH
	B-2		RA		RA-CUD
	GC-SL		RA-2		RA-USB
	GC-WL		RA-2-CUD		RE
	I		RA-5		VB
	P-C		RA-20		VB-CUD

App# 21958

# County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389

## GENERAL USE REZONING APPLICATION

Application Date: 5-7-18			
Location/Address of Property: 104 Branch Trail, VASS 28394			
Applicant: LEASA H. HASelden			Phone: 695-1111 x1
Applicant Address: 235 W. Pennsylvania Ave		City: Southern Pines	St: NC Zip: 28382
Owner: DUNCAN Blue, JR (HRS)			Phone: 910-528-5532
Owner Address: 917 KAYWOOD Dr		City: Fayetteville	St: NC Zip: 28311
Current Zoning District: B-2		Proposed Zoning District: RA40	
Comments: Property is being listed For Sale. It is A residence and vacant land parcels. Will be sold AS Residential			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Diana M. Blue 5/5/18 Mary A Blue 5/5/18		Date	
Leasa H. Haselden		5-5-18	
Applicant/Owner Signature		Date	
Office Use Only:			
PAR ID: 00038674 00038673			
10001732 5-7-18			
Received By		Date	
Danya Guille			

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals and the Rural Agricultural and Low Density Residential Land Use Classifications listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities):

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.6: Preserve and maintain the rural character of Moore County.

2. The rezoning request is reasonable and in the public interest because the proposed rezoning will fit the residential nature of area as designated on the 2013 Moore County Future Land Use Map.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning request from Highway Commercial (B-2) of the northern portion, being approximately 5 acres, of three parcels, being approximately a total of 18.97 acres, located along US 1 Hwy, to result in the entire three parcels being zoned Residential Agricultural-40 (RA-40), as proposed.

---

Eddie Nobles, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals and the Rural Agricultural and Low Density Residential Land Use Classifications listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities):

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.6: Preserve and maintain the rural character of Moore County.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning request from Highway Commercial (B-2) of the northern portion, being approximately 5 acres, of three parcels, being approximately a total of 18.97 acres, located along US 1 Hwy, to result in the entire three parcels being zoned Residential Agricultural-40 (RA-40), as proposed.

---

Eddie Nobles, Chair  
Moore County Planning Board

---

Date



**MOORE COUNTY REZONING REQUEST**  
**Duncan C Blue, Jr Property – 104 Branch Trail Rd, Vass**  
**Applicant: Leasa H. Haselden**  
**PIN's: 950420803217 & 950420800986**  
**May 14, 2018**

Following a review of the rezoning request by the RLUAC staff and Board of Directors for the parcels listed above, and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors finds that:

- The case involves parcels that are identified as suitable for **URBAN** development on the 2008 and 2009 JLUS maps, and
- The parcels do not contain any identified military impacts.

RLUAC therefore has no issues or concerns with this request.

Thank you for allowing RLUAC to review this case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director



13 E 677

**STATE OF NORTH CAROLINA**

In The General Court Of Justice

CUMBERLAND

County

**CERTIFICATE OF  
TRUE COPY**

**Office of the Clerk of the Superior Court**

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

**Number And Description Of Attached Documents:**

Twenty-Nine (29) pages, regarding the estate of DUNCAN CAMPBELL BLUE, JR, deceased; consisting of an Application for Probate and Letters of Administration CTA, Affidavit of Notice to Creditors, Inventory for Decedent's Estate, Amended Inventory for Decedent's Estate, Final Account, and the Last Will and Testament of Duncan Campbell Blue, Jr. Cumberland County, North Carolina estate file number: 13-E-331.



FILED  
2013 APR 25 PM 4:17  
CLERK OF SUPERIOR COURT



SEAL

Witness my hand and the seal of the Superior Court

Date	08-21-2013	
Clerk Of Superior Court	Linda H. Priest	
Signature	<i>Gretta H. Hall</i> Gretta H. Hall	
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court



(TYPE OR PRINT IN BLACK INK)

# STATE OF NORTH CAROLINA

Cumberland

County

File No.

13-E-331

In The General Court of Justice  
Superior Court Division  
Before The Clerk

## IN THE MATTER OF THE ESTATE OF:

Name of Decedent

Duncan Campbell Blue, Jr.

## INVENTORY FOR DECEDENT'S ESTATE

G.S. 28A-20-1

**IMPORTANT:** File within (3) months after qualifying. Itemize and give values as of date of decedent death. Continue on additional sheet if necessary.

I, the undersigned personal representative, being duly sworn, say that to the best of my knowledge the following is a just, true and perfect inventory of all the real and personal property of the decedent named above, which have come into my hands or into the hands of any person for me as personal representative of the estate.

### PART I. PROPERTY OF THE ESTATE

	Value
1. Accounts In Sole Name of Decedent (List bank, etc., each account no. and balance)	\$
2. Joint Accounts <b>Without</b> Right of Survivorship (List bank, etc. each account no., balance and joint owners.)	% Owned By Dec.
	% Owned By Dec.
	% Owned By Dec.
	% Owned By Dec.
3. Stocks And Bonds in Sole Name of Decedent or Jointly Owned <b>Without</b> Right of Survivorship (Identify each type of security and give market value of all securities of that type, e.g., 100 shares of XYZ Corp. common stock @ 37-1/4...\$3,725.)	% Owned By Dec.
	% Owned By Dec.
	% Owned By Dec.
	% Owned By Dec.
	% Owned By Dec.
4. Cash And Undeposited Checks on Hand	
Duke Energy \$694.82, Duke Energy \$5,365.39 Stock Closeout	6,060.21
South River Electric Capital Credits	1,298.15
5. All Other Personal Property (See preliminary inventory on application for check list types of property to list.)	
2000 GMC C25 Truck VIN# 1GTGC24R4YR161260	4,580.00
1984 TRAI TL VIN# NCX271134	300.00
1973 Coach TL VIN# 170101763	500.00
6. Real Estate Willed To the Estate And Sold (List legal description and proceeds of sale each parcel.)	
<b>TOTAL FROM ADDITIONAL SHEET IF ANY</b>	\$
<b>SUBTOTAL (Costs apply to this total)</b>	\$ 12,738.36
7. Real Estate Willed To The Estate has not been sold (List legal description of each parcel and give fair market value at date of death)	\$
<b>TOTAL PART I.</b>	\$ 12,738.36



## PART II. PROPERTY WHICH CAN BE ADDED TO ESTATE IF NEEDED TO PAY CLAIMS

	Value
1. Joint Accounts With Right of Survivorship (List each account; give names of other joint owners and total amount on deposit in each account; attach copy of deposit contract unless already attached to application.)	
First South Bank CD Account# 3322082, JWROS Mary Aletha Blue and Cornelia N. Blue	\$ 7,552.26 ✓
First South Bank CD Account# 3322090 JWROS Diana M. Blue	7,552.26 ✓
First South Bank CD Account# 8354977 JWROS Cornelia N. Blue	30,367.18 ✓
BB&T Account Checking # 0005105093723 JWROS with Cornelia Norris Blue	13,500.00 ✓
Bank of America Checking Account# 000053000840 JWROS Cornelia N. Blue	251,098.67 ✓
Bank of America Savings Account# 000059567636 JWROS Cornelia N. Blue	3,955.74 ✓
Bank of America Savings Account# 000650089592 JWROS Cornelia N. Blue	664.36 ✓
2. Stocks/Bonds/Securities Jointly Owned With Right of Survivorship or registered in beneficiary form and automatically transferable on death (Identify each type of security and give market value of all securities of that type, e.g., 100 shares of XYZ Corp. common stock @ 37-1/4...\$3,725.)	
3. Other Personal Property Recoverable (G.S. 28A-15-10).....	
4. Real Estate Except Entireties Property, Life Estate And Real Estate Willed To Estate (List legal description and give fair market value of each parcel of decedent's interest at date of death.)	
BLK S 3 CP Fire, Acres 2.10, Moore County, NC (Pin# 950420813870) \$13,670.00 ✓	
Lakeview Lt 14 15, CP Fire, Acres 11.42, Moore County, NC (Pin# 950420800360) \$109,030. ✓	
#16, Acres 6.10, CP Fire, Moore County, NC (Pin# 950420803217) \$126,200.00 ✓	
Lot Part 17, Acres 1.45, CP Fire, Moore County, NC (Pin# 950420800986) \$13,780.00 ✓	
BLK E 23, Acres 0.77, CP Fire, Moore County, NC (Pin# 950420802673) \$5,560.00 ✓	
All propertys are life estate of Duncan Campbell Blue	
<b>TOTAL PART II. ►</b>	<b>\$ 314,690.47</b> ✓

The parcels for recording are included here

## PART III. CLAIMS FOR WRONGFUL DEATH

There ☐ is ☒ is not a potential claim for wrongful death arising under G.S. 28A-18-2. The following attorney, if any, has been retained to file the action; and the civil action, if any, has been filed in the following court or jurisdiction.

Name and Address of Attorney		State and County or Federal District Court Jurisdiction	
Telephone No.		Case No.	
Signature of Fiduciary	Title	Signature of Co-fiduciary, If Any	Title
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME Date <u>06.19.13</u> Signature of Person Authorized to Administer Oaths <u>[Signature]</u>		SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME Date _____ Signature of Person Authorized to Administer Oaths _____	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court	
<input checked="" type="checkbox"/> Notary   Date My Commission Expires <u>10.02.16</u>		<input type="checkbox"/> Notary   Date My Commission Expires _____	
SEAL   County Where Notarized <b>Cumberland</b>		SEAL   County Where Notarized <b>Cumberland</b>	

ASHLEY E. CONNELL  
 Notary Public  
 Cumberland County



## Last Will & Testament

I, Duncan Campbell Blue Jr. (Social Security Number 245 - 22 - 2281), presently residing at 917 Kaywood Drive Fayetteville, NC 28311-6842 declare this to be my Last Will and do hereby revoke all Wills and Codicils heretofore made by me.

### ARTICLE ONE

I direct that all of my legal debts, my funeral expenses, all estate and inheritance taxes and other taxes in the general nature thereof (together with any interest or penalty thereon), and the cost of administration of my estate be paid out of the assets of my estate as soon as practicable after my death.

### ARTICLE TWO

I do hereby appoint Cornelia Norris Blue (wife) as Executor/Executrix of this my Last Will and direct (s)he be allowed to serve without posting any bond.

### ARTICLE THREE

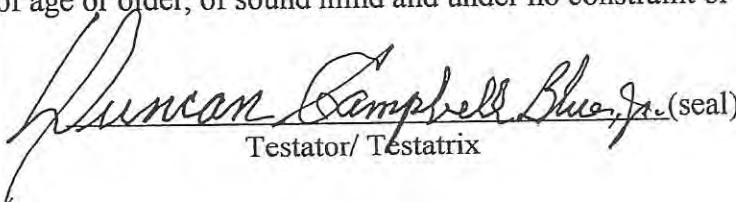
I Duncan Campbell Blue Jr., a citizen and resident of Cumberland County, North Carolina, do hereby revoke all Wills and Codicils to Wills heretofore made by me and do hereby make publish and declare this to be my Last Will and Testament.

I will and bequeath all of my property of every sort, kind and description, both real and personal, and in fee simple, to the following named people:

Cornelia Norris Blue (Social Security Number 241 - 44 - 2362).  
In the event that my wife Cornelia Norris Blue shall not survive me, I hereby devise and bequeath to my two daughters: Mary Aletha Blue (Social Security Number 243 -25- 4640 and Diana Marie Blue (Social Security Number 243 -25- 2870), in equal shares, all of my property, both real and personal, tangible and intangible.

### ARTICLE FOUR

I, Duncan Campbell Blue Jr., sign this instrument this 2 day of October, 1998, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

 (seal)  
Testator/ Testatrix

Last Will & Testament

We, Sarah D. Hennes & Donna M. Derry  
the Witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to  
the undersigned authority that Duncan Campbell Blue signs and executes this  
instrument as his/her Last Will and that (s) he signs it willingly, and that each of us, in the  
presence and hearing of the Testator/ Testatrix, hereby signs this Will as witnesses to the  
Testator's/ Testatrix's signing, and that to the best of our knowledge, the Testator/ Testatrix is  
eighteen years of age or older, of sound mind, and under no constraint or undue influence.

WITNESSES:

Sarah D. Hennes of Fayetteville NC 28303  
(city) (state) (zip code)  
Donna M. Derry of Fayetteville NC 28303  
(city) (state) (zip code)

COUNTY of Sampson )  
State of North Carolina )

Subscribed, sworn to and acknowledged before me by Duncan Campbell Blue  
(Name of Testator/ Testatrix)  
and subscribed and sworn to before me by the Witnesses Sarah D. Hennes & Donna M. Derry  
(Name of 2 Witnesses to Will)  
this the 2nd day of October 1998.  
My Notarial Commission Pamela J. Williams  
Expires: May 6, 2001  
NOTARY PUBLIC

## MEMORANDUM TO THE PLANNING BOARD

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** May 10, 2018

**SUBJECT:** Conditional Use Permit Request: Bed & Breakfast  
(1351 Dowd Rd, Carthage)

**PRESENTER:** Theresa Thompson

### **REQUEST**

Lynn Gallup is requesting a Conditional Use Permit for the use of a 4-unit Bed & Breakfast in a single family residence located at 1351 Dowd Rd, Carthage, owned by Lynn Gallup per Deed Book 4637, Page 290.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

### **BACKGROUND**

- Current land use – Includes one single family residence situated on a 28.38 acre tract.
- Adjacent land uses – Includes undeveloped property and single family residences.

### **REQUIRED FINDINGS**

In recommending the Conditional Use Permit the following findings must be met:

1. The use will not materially endanger the public health or safety;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The use will be in general conformity with the approved Moore County Land Use Plan.

### **APPLICATION REVIEW COMMENTS**

The proposed site plan meets all Unified Development Ordinance requirements.

### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make the following motion:

**Motion:** Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Use Permit request for the use of a 4-unit Bed & Breakfast in  
*Bed and Breakfast – Conditional Use Permit – Staff Report*

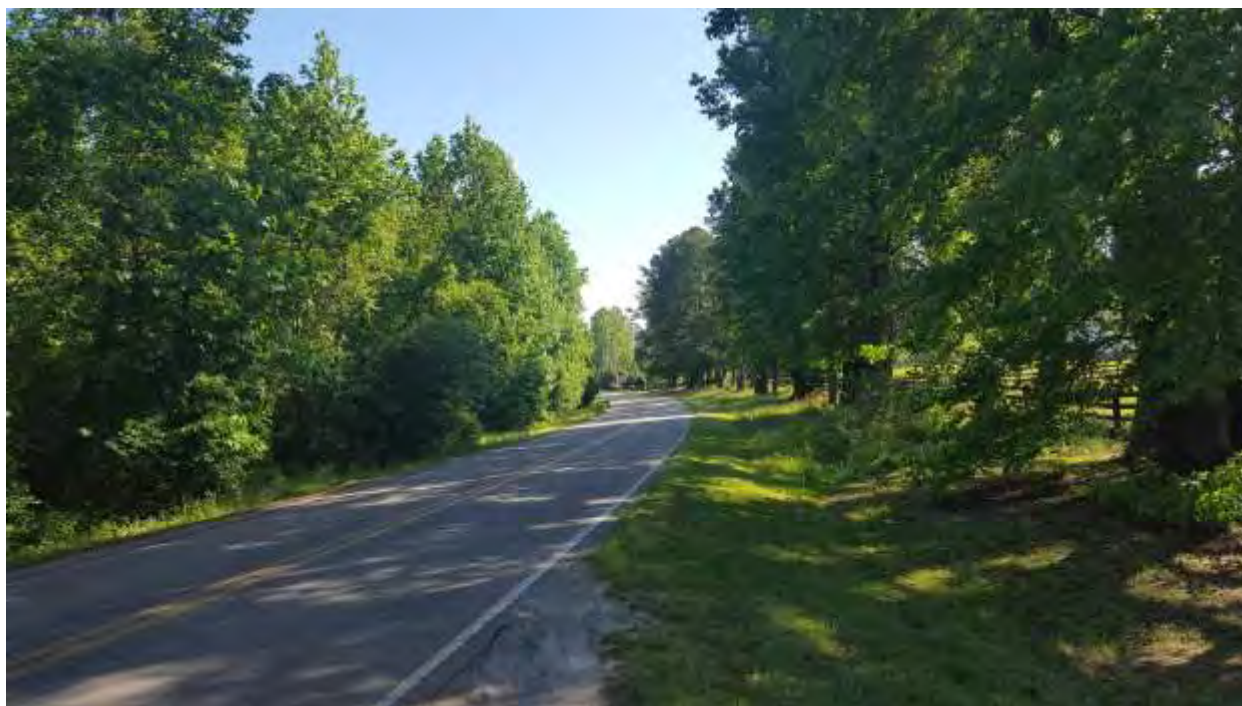
a single family residence located at 1351 Dowd Rd, Carthage, owned by Lynn Gallup per Deed Book 4637, Page 290.

**ATTACHMENTS**

- Photos of Property
- Land Use Map
- Conditional Use Permit Application with Submitted Floor Plans and Photos
- Deed Book 4637, Page 290



**View of the driveway from Dowd Rd**



**View of the subject property from Dowd Rd**



**Adjoining property- 171 Breezy Pines Ln**



**Adjoining property - 1303 Dowd Rd**







Undeveloped

Undeveloped

Single family home

Undeveloped

DOWD

BREEZY PINES

Single family homes

Undeveloped

Undeveloped

Single family homes

Single family homes

LAND USE MAP

0 480 960 Feet



County of Moore  
Planning and Transportation



Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389

Conditional Use Permit Application

App# 21977

Application Date: 5-8-2018			
Location/Address of Property: 1351 Dowd Rd., Carthage, NC 28327			
Applicant: Lynn Gallup		Phone: 919-961-0675	
Applicant Address: 1351 Dowd Rd.,	City: Carthage	St: NC	Zip: 28327
Owner: Lynn Gallup		Phone: 919-961-0675	
Owner Address: 1351 Dowd Rd.,	City: Carthage	St: NC	Zip: 28327
Current Zoning District: RA	Proposed Use: Bed and Breakfast		
Comments: See attached ...    			
<p>I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.</p> <p><u>Lynn Gallup</u> <u>5-8-18</u> Applicant/Owner Signature Date</p> <p>_____ Applicant/Owner Signature Date</p>			
Office Use Only: PAR ID: 0000 1441 <u>Danya Cowan</u> <u>5-8-19</u> Received By Date			

GRACEWOOD FARM & RETREAT, LLC

# Proposed Bed & Breakfast Site Plan

---

1351 Dowd Road, Carthage, NC 28327

Lynn Gallup

5/8/2018

Proposed Moore County Bed and Breakfast Operation at 1351 Dowd Road, Carthage, NC. Victorian style restored home built in 1898 by Benjamin Persons Fry. There are 4 bedrooms – 3 on the second floor of the home and 1 is in the suite on the second floor level over the garage. The home consists of 28+ acres and sits high on a hill with a scenic panoramic view. The B&B guests can relax and enjoy nature in the countryside locale, and are still close enough to area happenings and restaurants. Equestrian minded guests are welcome. Property is on private septic and well. County water line runs along Dowd Road. ParID 00001441

# Proposed Bed & Breakfast Operation

1351 Dowd Rd., Carthage, NC



Site Plan

for 1351 Dowd Rd., Carthage, NC





## **“Home and Property Exteriors”**



**Dowd Road view**



**Home - front view**





**Home – side view**



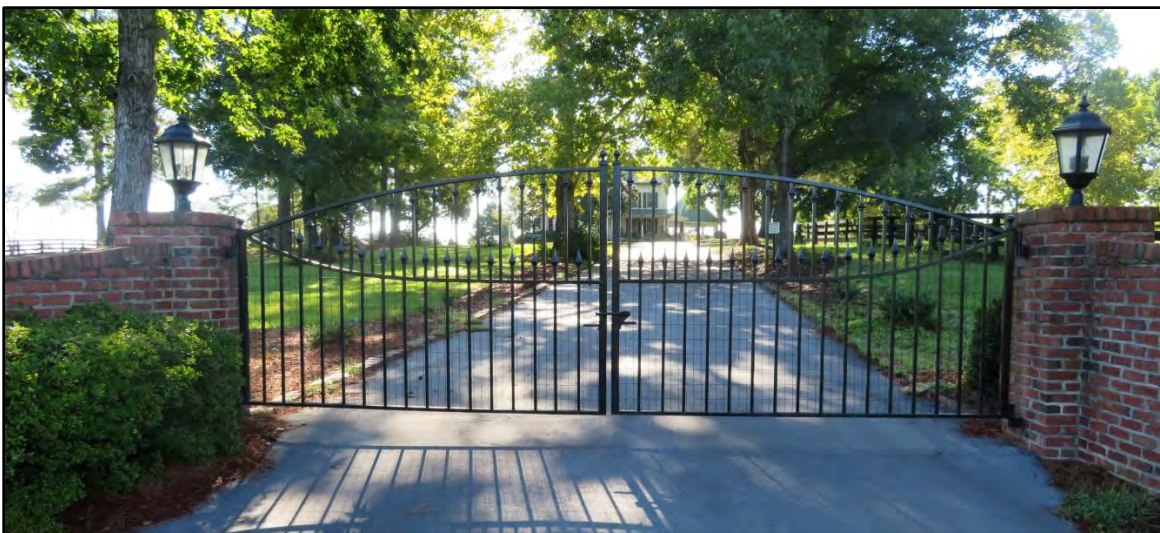
**Home – backyard view**





**Gazebo view**

## **“Paved Driveway & Security Entrance Gate”**



**Wrought iron swinging gate with night lighting**





**Paved driveway with solar night lighting along each side**



**Circular drive provides a convenient guest unloading area near the front door**



## **“B&B Guest Parking”**



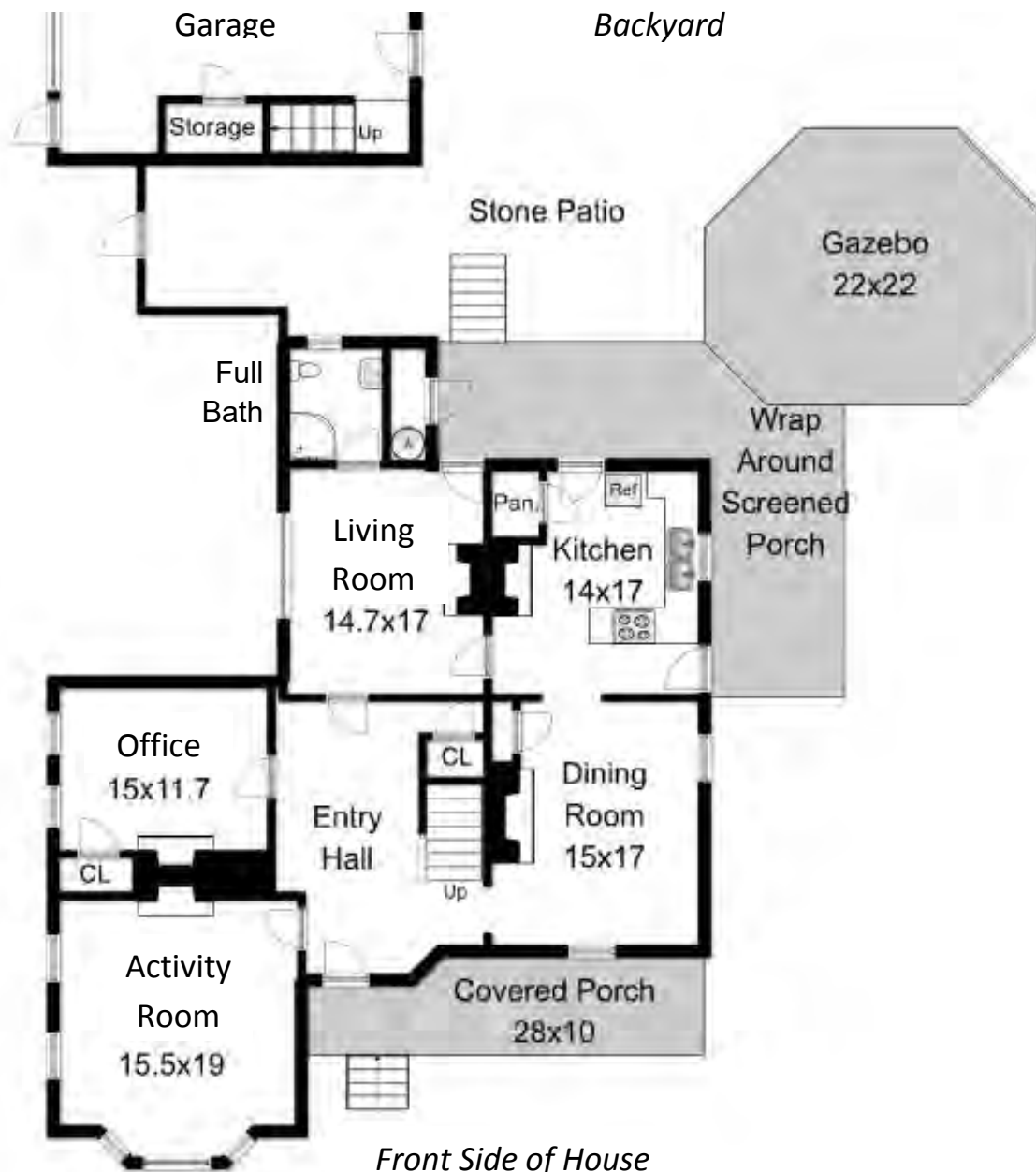
**Guest Parking Area with Welcome Sign -- gravel base, adjacent to the garage. Stairway with hand railing leads to second level guest suite of the garage (left).**



**Guest Parking Area with Welcome Sign – gravel to be added, located near the front of the house and main entry door.**

# 1<sup>st</sup> Floor Level – Layout Plan

*1351 Dowd Rd. Carthage, NC*



*Front Side of House*

*Paved Driveway  
with entrance gate*



# Home - 1<sup>st</sup> Level

## “Dining Room”





## “Living Room”





## A large, well-lit kitchen with wooden cabinetry, a stainless steel refrigerator, a double sink, and a gas cooktop on a central island. The floor is made of polished wood, and a large patterned rug is laid out on the floor.



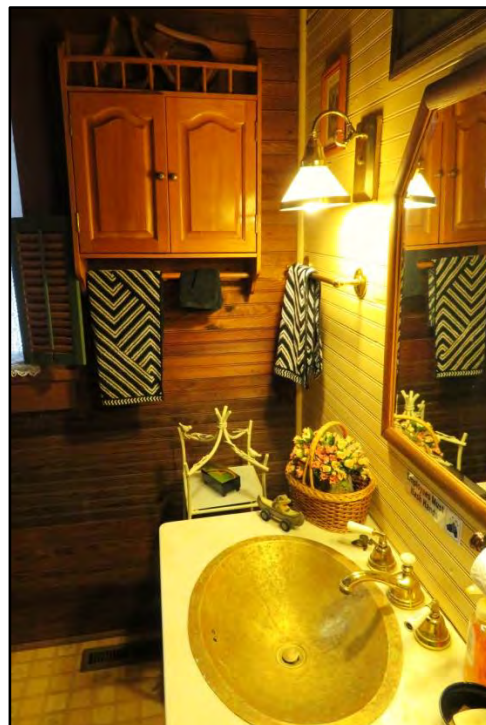


## **“Activity Room”**



Social area for arts and crafts, board and card games, and puzzles.

## **“Guest Full Bath - Downstairs”**



## 2<sup>nd</sup> Floor – Layout Plan

*1351 Dowd Rd. Carthage, NC*





**Bedroom #1 – 15'x16'**



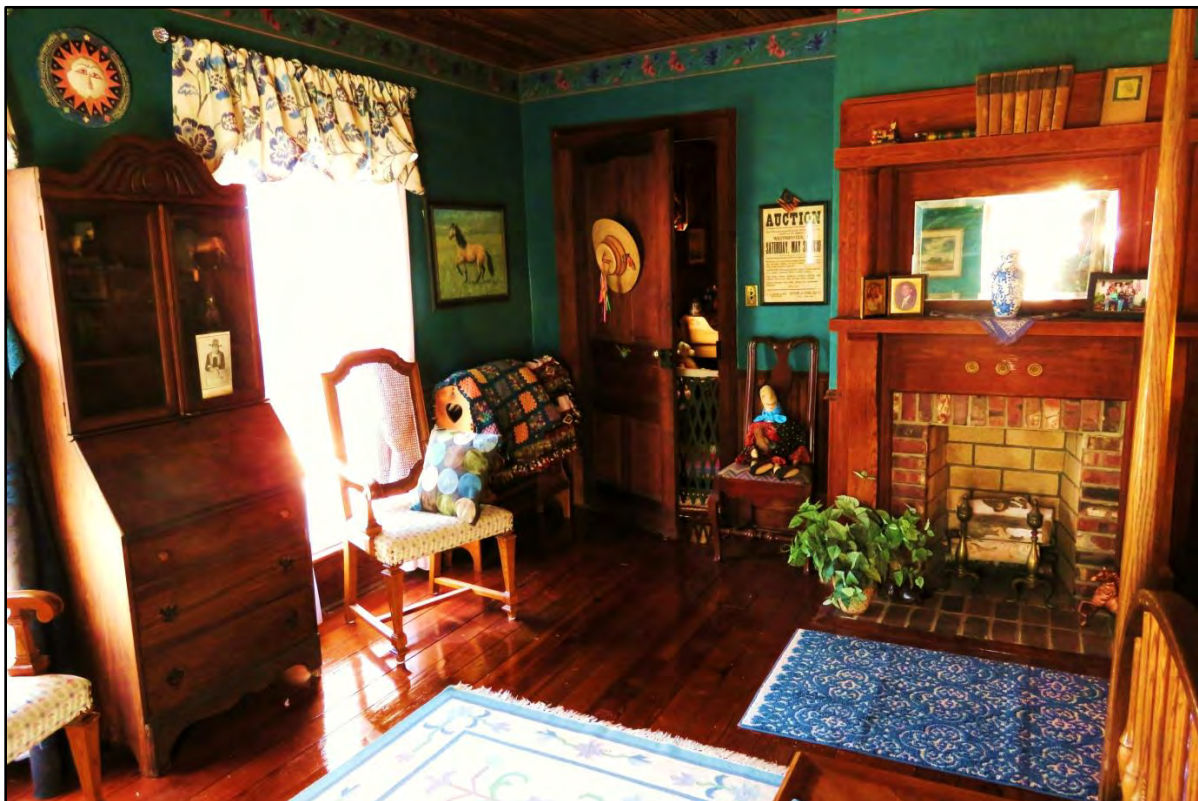


## Bedroom #2 – 15'x12'





**Bedroom #3 – 17'x17'**



## **“Guest Full Bath #1 - Upstairs”**





## **“Master Full Bath #2 - Upstairs”**



**Laundry Area**



**Second vanity sink area in Master Bath**



# Mini-Suite Garage - 2<sup>nd</sup> Level Floor Plan



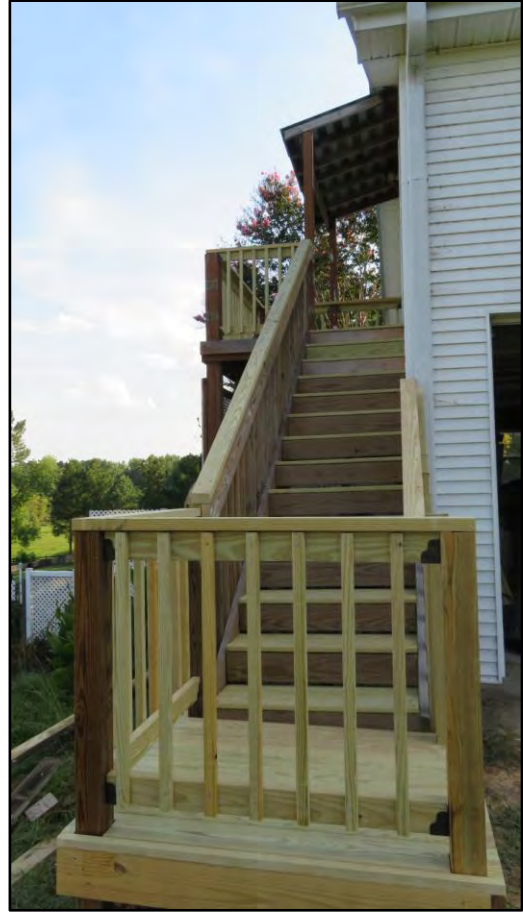
# Mini-Suite Garage - 2<sup>nd</sup> Level

*1351 Dowd Rd. Carthage, NC 28327*











## Woodland Screening around the Property



Woodland screening between home and adjacent properties' homes

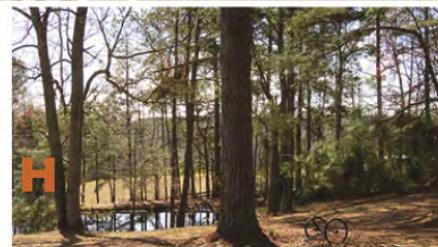
1351 Dowd Rd., Carthage, NC



Note: On the other side of Dowd Road are mature woodlands and thick native plant growth.



## Woodland & Bushes Screening for 1351 Dowd Rd., Carthage, NC







*Thank you for your consideration.*  
*Lynn Gallup*



**Gracewood Farm & Retreat, LLC**

1351 Dowd Road, Carthage, NC 28327

Email: [gracewoodfarmretreat@gmail.com](mailto:gracewoodfarmretreat@gmail.com)

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin  
Moore County, NC

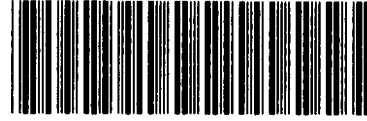
April 27, 2016 10:32:21 AM

Book 4637 Page 290-292

FEE: \$26.00

NC REVENUE STAMP: \$1,300.00

INSTRUMENT # 2016005500



INSTRUMENT # 2016005500

Brief description for the Index:

Stamps: \$1,300.00

28.58 acres +/-, Carthage Township- Parcel Id. 00001441 &amp; 20040019

This instrument was prepared by: **Sandhills Law Group** NO TITLE SEARCH COMPLETED BY PREPARER**NORTH CAROLINA GENERAL WARRANTY DEED**THIS DEED made this 14<sup>th</sup> day of April 2016, by and between,

GRANTOR	GRANTEE
<p><b>Donald M. Schindler and wife,</b>  <b>Barbara S. Schindler</b>  4401 SE 10<sup>TH</sup> Ave.  Cape Coral, FL 33904</p>	<p><b>Lynn E. Gallup,</b> _____</p> <p><u>Mailing Address:</u>  <u>PO Box 271</u>  <u>New Hill, NC 27562</u></p> <p><u>Property Address:</u>  1351 Dowd Rd.  Carthage, NC, 28327</p>

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situated in **Carthage Township, Moore County, North Carolina**, and more particularly described as follows:

**Beginning at an iron pipe on the Eastern right-of-way of State Road 1240, E.J. Burns Southwest corner of property in Deed Book 152, Page 188, Moore County Registry; thence as the Burns line S. 45 degrees 54' 12" E., 2321.10 feet to an iron pipe, corner of Burns and Charles Frye; thence as the Frye Line S. 13 degrees 56' 35" W., 1257.43 feet to an iron pipe, corner of Lide Sineath in the Frye line; thence as the Sineath line N. 75 degrees 44' 16" W., 1325.48 feet to an iron pipe, corner of Sineath and the W.H. Frye estate; thence as the Frye estate N. 81 degrees 09' 01" W., 803.46 feet to an iron pipe; thence N. 19 degrees 00' 00" W., 817.59 feet to an iron pipe; thence N. 25 degrees 31' 28" E. 354.39 feet to**



a point in the Eastern right-of-way of N.C.S.R. 1240; thence as said right-of-way N. 51 degrees 24' 31" E., 132.06 feet; thence N. 48 degrees 02' 28" E., 142.47 feet; thence N. 42 degrees 44' 55" E., 159.47 feet; thence N. 38 degrees 19' 44" E. 139.75 feet; thence N. 34 degrees 49' 42" E., 121.93 feet; thence N. 31 degrees 18' 22" E., 103.43 feet; thence N. 27 degrees 34' 58" E., 164.46 feet; thence N. 22 degrees 03' 18" E., 597.72 feet to the point of beginning containing 100.03 acres more or less, being the Clinton T. Frye property as recorded in Deed Book 521, Page 478, Moore County Registry. This description taken from map entitled Survey for James D. Cockman, prepared by Central Carolina Surveyors, P.A. of West End, dated April 24, 1985.

Save and except Lots 2, 3, 4, and 5, as shown on Plat Cabinet 8, Slide 483, and Lots 6 and 7, as shown on Plat Cabinet 11, Slide 417, Moore County Registry.

Grantor hereby transfers unto Grantee all Declarant rights pursuant to the covenants of record recorded in Book 1937, Page 395, Moore County Registry, and as amended.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 725, Page 284, and Book 2531, Page 285, Moore County Registry.

All or a portion of the property herein conveyed X includes or \_\_\_\_\_ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the exceptions, reservations and conditions herein above referred to.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

1. Lien(s) for Moore County ad valorem taxes or other assessments for the year of closing or conveyance, and subsequent years.
2. Easements and Rights-of-way of record, if any.
3. Covenants, conditions and restrictions of record.
4. Such matters, provisions and reservations as are shown on the aforesaid recorded plat or survey, if any.
5. Zoning or other municipal ordinances.

The designation Grantor or Grantee as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as Grantor and Grantee.

\*\*\* THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK \*\*\*

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in its Corporate name in the ordinary course of business by its duly authorized officer, pursuant to authorization from the Board of Directors, or if Limited Liability Company (Company), in its Company name in the ordinary course of business by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Donald M. Schindler (SEAL)  
Donald M. Schindler

Barbara S. Schindler (SEAL)  
Barbara S. Schindler

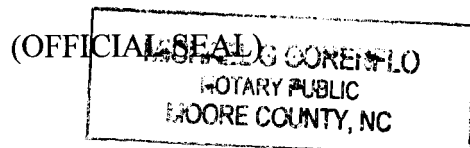
STATE OF NORTH CAROLINA,

COUNTY OF MOORE, to wit:

I certify that the following person(s) personally appeared before me this day, and each acknowledging to me that he or she signed the foregoing document in the capacity indicated:

**Donald M. Schindler and Barbara S. Schindler.**

Witness my hand and notarial seal this 14 day of April, 2016.



Michael G. Gorenflo  
(Official Signature of Notary)  
Michael G. Gorenflo  
(Notary's printed or typed name), Notary Public

My commission expires: July 17, 2020



## MEMORANDUM TO THE PLANNING BOARD

**FROM:** Debra Ensminger  
Planning and Transportation Director

**DATE:** May 7, 2018

**SUBJECT:** Unified Development Ordinance Text Amendments

**PRESENTER:** Theresa Thompson

### REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

**Bold Text** – additions to the ordinance  
~~Strikethrough Text~~ - deletions from the ordinance

### OPTION 1.

1. AMEND Section 6.1 (Table of Uses) to change Religious Institutions to a conditional use:

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.60	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P	P					8.61	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.62	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.63	E, R
Colleges, Business & Trade Schools									C				P	P	8.64	B
Funeral Home, accessory crematorium											P	P	P	P	8.65	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.66	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.67	I
Museums and Art Galleries									C		P	P	P		8.68	A-3
Religious Institutions	<del>P</del> C	<del>P</del> C	<del>P</del> C	<del>P</del> C	<del>P</del> C		<del>P</del> C	<del>P</del> C	<del>P</del> C	<del>P</del> C	<del>P</del> C	P	P		8.69	A-3, E
Security Training Facility									C						8.70	B
Schools, Elementary, Middle, High												P	P		8.71	E

2. AMEND Chapter 8 (Specific-Use Standards), Section 8.69 (Religious Institutions) to add schools as an accessory use as follows:

- A. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, child care facility, **school**, coffee house, bible school, and after-school facilities. Child care facilities shall meet the standards per Section 8.63 and shall submit a copy of state licenses before a Certificate of Occupancy is issued.

### **OPTION 2.**

1. AMEND Chapter 8 (Specific-Use Standards), Section 8.69 (Religious Institutions) to add schools as an accessory use and to require conditional use permits for accessory uses only as follows:

- B. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, child care facility, **school**, coffee house, bible school, and after-school facilities. Child care facilities shall meet the standards per Section 8.63 and shall submit a copy of state licenses before a Certificate of Occupancy is issued. **All accessory uses shall require a Conditional Use Permit.**

### **OPTION 3.**

1. AMEND Chapter 8 (Specific-Use Standards), Section 8.69 (Religious Institutions) to add schools as an accessory use and require a conditional use permit for schools only as follows:

- B. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, child care facility, **school**, coffee house, bible school, and after-school facilities. Child care facilities shall meet the standards per Section 8.63 and shall submit a copy of state licenses before a Certificate of Occupancy is issued. **Schools located on the same lot as the church and located in residential zoning districts shall require a Conditional Use Permit and meet the Specific Use Standards per Section 8.71.**

### **CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.



**Motion #2:** Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

**ATTACHMENTS**

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals and Rural Agricultural Future Land Use Category listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.6: Preserve and maintain the rural character of Moore County.
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

GOAL 3: Optimize the Uses of Land Within the County of Moore

- Action 3.4.2: Encourage mixed-use developments along existing and planned infrastructure to reduce transportation needs.

The conditional use permit process is considered on a case by case basis and approval requires that the proposed use will be in harmony with the surrounding area and compatible with the surrounding neighborhood, which is consistent with the Goals listed above.

2 The text amendment is reasonable and in the public interest because requiring conditional use permit approval protects existing and adjacent properties while also protecting property rights.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance, as proposed.

---

Eddie Nobles, Chair  
Moore County Planning Board

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Date